

# Wetlands Bureau Decision Report

Decisions Taken  
04/25/2011 to 05/01/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2008-00271**                      **BEGOR, MARK & KRISTEN**  
**SUNAPEE Lake Sunapee**

### Requested Action:

Drive 6 pilings to support a boatlift and canopy, adjacent to a non-conforming, "C" shaped, crib supported, docking facility on property having an average of 378 ft of frontage on Lake Sunapee.

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### APPROVE PERMIT:

Drive 6 pilings to support a boatlift and canopy, adjacent to a non-conforming, "C" shaped, crib supported, docking facility on property having an average of 378 ft of frontage on Lake Sunapee.

### With Conditions:

1. All work shall be in accordance with plans by Pennyroyal Hill Land Surveying & Forestry, LLC dated February 5, 2008, as received by the NH Department of Environmental Services (DES) on February 22, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. This permit shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. This permit does not allow dredging for any purpose.
10. The seasonal pier shall be removed for the non-boating season.
11. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

### With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a major docking facility.
2. The applicant has an average of 378 feet of frontage along Lake Sunapee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing docking facilities provide 5 slips as defined per RSA 482-A:2, VIII and therefore meet Rule Env-Wt 402.13.
5. The proposed modifications will not increase the number of slips provided by the docking facilities.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Sunapee.
7. This project does not meet the current requirements of Rule Env-Wt 402.06, Permanent Piers. This approval is being granted for the sole purposed of reaching a settlement agreement between the parties involved and shall not be interpreted as evidence of need for the construction of permanent docking facilities on any other lot in the vicinity of the subject property.
8. Rule Env-Wt 402.21, Modification of Existing Structures, is waived in accordance with Rule Env-Wt 204.04, Criteria.

-Send to Governor and Executive Council-

**2011-00272 LAE ASSOCIATION**  
**WASHINGTON Lake Ashuelot**

Requested Action:

Replenish 4,815 sq ft of existing beach with 56 cubic yards of sand on an average of 752 ft of frontage on Lake Ashuelot, in Washington.

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Conservation Commission/Staff Comments:

No comments from Con Com by Feb 16, 2011

No comments from RAC by March 16, 2011

APPROVE PERMIT:

Replenish 4,815 sq ft of existing beach with 56 cubic yards of sand on an average of 752 ft of frontage on Lake Ashuelot, in Washington.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services revision dated April 01, 2011, as received by the NH Department of Environmental Services (DES) on April 11, 2011.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 56 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact or minor impact project.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**MINOR IMPACT PROJECT**

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**2005-02942 GREGOIRE, JAMES**  
**RAYMOND Unnamed Wetland**

Requested Action:

Permittee requests a waiver to administrative rule Env-Wt 502.01, Duration of Permit, in order to receive a 5-year time extension to the permit expiration date.

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Conservation Commission/Staff Comments:

The Raymond Conservation Commission has no issues with the application.

Inspection Date: 04/19/2006 by Eben M Lewis

APPROVE TIME EXTENSION:

Amend permit by decreasing culvert lengths as follows: Dredge and fill 1,050 s.f. of scrub-shrub wetland for the creation of a fire pond for fire safety and fill 1,300 s.f. within the bed and banks of a perennial stream to install a 4'x8'x12' RCP box culvert; fill 1,450 s.f. of intermittent stream to install a 15-inch culvert; and fill 1,400 s.f. of intermittent stream to install a 15-inch culvert associated with the construction of a roadway for access to a single family residential dwelling on 31.02 acres. Waive Rule Env-Wt 502.01, Duration of Permit, and grant a 2-year time extension from the original expiration date of the permit.

With Conditions:

1. All work shall be in accordance with the plans by Jones & Beach Engineers, Inc. dated 09/06/06 and revised through 07/15/09, as received by the Department on Aug. 11, 2009.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain program (formally Site Specific Program).
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Work shall be done during seasonal low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. On April 15, 2011 DES received a request to waive Rule Env-Wt 502.01, Duration of Permit, to allow a 2-year time extension of permit 2006-1053, which would expire on 5/11/2011.
2. The reason stated for the request was that the permittee was unable to get full approval for the subdivision. To re-apply would result in economic hardship and construction delays.
3. The wetland impacts requested for the project comply with the current applicable statute and administrative rules.
4. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
5. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
6. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the current property owner.
7. Based on findings 1-6 above, DES grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 5/11/2013.

**2007-01630                      GIUDA, BRANDON**  
**CHICHESTER   Unnamed Wetland**

**Requested Action:**

Amendment proposal to separate the existing wetlands permit to the respective lot owners and remove permit conditions 17 through 23.

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**APPROVE AMENDMENT:**

Dredge and fill a total of 3,550 sq. ft. of wetlands for access on the Frank Merrill portion of a proposed 26 lot residential subdivision and 43.08 acres of open space.

**With Conditions:**

**Permit A:**

1. All work shall be in accordance with plans containing the Frank Merrill portion (Tax Map/lots 9/32 and 10/2) of the subdivision depicted on plans by Steven Cummings dated January 23, 2007, and revised through October 30, 2007, as received by the Department on December 19, 2007, and Subdivision Plans by Richard Bartlett and Associates dated May 17, 2007, and revised through October 30, 2007 as received by the Department on December 19, 2007 and as revised by plans and narratives received by the Department on March 2, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during periods of low flow or no flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. This permit is contingent upon submittal of the recorded plan and deed restriction on 43.08 acres of open space to the United States Environmental Protection Agency ("EPA").

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposal does not require mitigation in accordance with Env-Wt 302.03(c)(2)b.
6. In their letter dated October 11, 2007, the Conservation commission had no opposition to the project.

7. A vernal pool survey was conducted on the parcel and a single pool was located. This pool is 250 feet from any proposed development.
  8. Mr. Merrill is placing 43.08 acres and Mr. Giuda is placing 113.88 acres of open space land under deed restriction as required by the United States Environmental Protection Agency ("EPA").
  9. The Department has received a letter from an abutter Adams map 9, lot 41, indicating concerns with groundwater recharge. The lot in question is adjacent to common land, where no development is proposed.
- Additional findings:
10. One of the two applicants, Frank Merrill, has requested to separate the project lots to the respective owners because at this time only his portion of the subdivision is moving forward. This has resulted in a request from the State of New Hampshire Attorney General's office to have the DES Wetland Permits reflect the separate ownership and project status.
  11. The previous permit has been divided into two permits with updated and revised permit conditions.
  12. Mr. Merrill's portion of the project consists of 3,550 sq. ft. of wetlands impact and Mr. Giuda's portion of the project consists of 5,210 sq. ft. of wetlands impacts.
  13. The EPA has approved the amendment proposal.
  14. Mr. Giuda provided a letter noting he has no immediate intentions of moving forward with his portion of the project and has no objections to Mr. Merrill's amendment request.

Requested Action:

Amendment proposal to separate the existing wetlands permit to the respective lot owners and remove permit conditions 17 through 23.

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APPROVE AMENDMENT:

Dredge and fill a 5,210 sq. ft. of wetlands for access on the Brandon Guida portion of a proposed 38 lot residential subdivision and 113.88 acres of open space.

With Conditions:

Permit B:

1. All work shall be in accordance with plans containing the Brandon Guida portion (Tax Map/lots 10/9 and lot 9-2) of the subdivision depicted on plans by Steven Cummings dated January 23, 2007, and revised through October 30, 2007, as received by the Department on December 19, 2007, and Subdivision Plans by Richard Bartlett and Associates dated May 17, 2007, and revised through October 30, 2007 as received by the Department on December 19, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during periods of low flow or no flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. This permit is contingent upon submittal of the recorded plan and deed restriction on 113.88 acres of open space to the United States Environmental Protection Agency ("EPA").

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
  2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
  3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
  4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
  5. The proposal does not require mitigation in accordance with Env-Wt 302.03(c)(2)b.
  6. In their letter dated October 11, 2007, the Conservation commission had no opposition to the project.
  7. A vernal pool survey was conducted on the parcel and a single pool was located. This pool is 250 feet from any proposed development.
  8. Mr. Merrill is placing 43.08 acres and Mr. Giuda is placing 113.88 acres of open space land under deed restriction as required by the United States Environmental Protection Agency ("EPA").
  9. The Department has received a letter from an abutter Adams map 9, lot 41, indicating concerns with groundwater recharge. The lot in question is adjacent to common land, where no development is proposed.
- Additional findings:
10. One of the two applicants, Frank Merrill, has requested to separate the project lots to the respective owners because at this time only his portion of the subdivision is moving forward. This has resulted in a request from the State of New Hampshire Attorney General's office to have the DES Wetland Permits reflect the separate ownership and project status.
  11. The previous permit has been divided into two permits with updated and revised permit conditions.
  12. Mr. Merrill's portion of the project consists of 3,550 sq. ft. of wetlands impact and Mr. Giuda's portion of the project consists of 5,210 sq. ft. of wetlands impacts.
  13. The EPA has approved the amendment proposal.
  14. Mr. Giuda provided a letter noting he has no immediate intentions of moving forward with his portion of the project and has no objections to Mr. Merrill's amendment request.

**2009-01028**

**AIKENS JR, PETER**

**RYE Tidal Buffer**

**Requested Action:**

Applicant request to amend permit description by reducing the overall impacts within the TBZ from 35,766 sq. ft. to 34,117 sq. ft.  
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**Conservation Commission/Staff Comments:**

On May 22, 2009 the Rye Conservation Commission wrote: "The applicant has addressed and/or agreed to all of the recommendations as stated [in attached letter from Rye CC to NHSC,Inc]. As there are no further contingencies, the [Rye Conservation] Commission members do not object to the request. At the May 21, 2009 meeting, the members reviewed the matter and approved this project."

Inspection Date: 08/07/2009 by Frank D Richardson

**APPROVE AMENDMENT:**

Impact a total of 34,117 sq. ft. (formally 35,766 sq. ft.) within the previously developed upland tidal buffer zone for work associated with the redevelopment of the existing site currently having rental cabins, a swimming pool and other structures which will be replaced with a beach and swim club facility including 2,031 sq. ft. (formally 5,182 sq. ft.) of building, 7,676 sq. ft. (formally 7,332 sq. ft.) patio/pools, 13,976 sq. ft. (formally 12,984 sq. ft.) parking, 1,982 sq. ft. (formally 2,191 sq. ft.) storm drainage (rain gardens) and 8,452 sq. ft. (formally 8,077 sq. ft.) for temporary grading & construction. These changes result in a net reduction of the overall site impacts by 5%.

**With Conditions:**

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated December 2010 and revised 2/3/11, as received by DES on February 8, 2011.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The Invasive Species Management Plan prepared by NHSC, Inc. in conjunction with Northeast Wetlands Restoration, dated August 2009 as received by the DES on August 13, 2009, shall be implemented at the onset of site work and carried out through the 5-year duration of this permit with semi-annual photo-illustrated reports being submitted to the DES Wetlands Bureau following each late spring and early fall monitoring event.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt marsh that do not meet the criteria of Env-Wt 303.02
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 07, 2009. Field inspection determined that the project as proposed should enhance the adjacent tidal marsh habitat by managing invasive species currently on site (Phragmites, Purple Loosestrife and Japanese Knotweed) and eliminating a point discharge of fresh water from the site which has heretofore provided favorable growth conditions for Phragmites & Purple Loosestrife.
6. The approved project will improve environmental conditions at the site by abandoning or removing five substandard septic systems within the tidal buffer zone and installing a compliant septic system with a pre-treatment component outside the tidal buffer zone.
7. This project has been designed to infiltrate much of the stormwater from the site, which receives no treatment under existing conditions, and rain gardens will be constructed to provide additional treatment.
8. Impervious surfaces on the property will be reduced through the use of pervious parking, sidewalks and patios.
9. No compensatory mitigation is required for this project since it is a redevelopment of a site which will result in enhanced environmental conditions for the adjacent tidal marsh including the Invasive Species Management Plan to be implemented from the onset of site work.
10. Concerns brought forth by Rye residents regarding this project have been duly considered. DES staff met with a representative of "Concerned Residents of Rye" to review the application file as well as responding to follow-up phone calls on this matter.
11. "Flood Hazard Study for Parson's Creek" at the subject location prepared by Ambit Engineering, Inc., dated August 11, 2009 and received by the DES on September 09, 2009, found that the filling within the 100 year flood plain proposed for this project will not cause an increase in flood elevations in this area.
12. On May 22, 2009 the Rye Conservation Commission wrote: "The applicant has addressed and/or agreed to all of the recommendations as stated [in attached letter from Rye CC to NHSC, Inc]. As there are no further contingencies, the [Rye Conservation] Commission members do not object to the request. At the May 21, 2009 meeting, the members reviewed the matter and approved this project."

**2010-03318                      UNGER, WALTER**  
**STRAFFORD   Bow Lake**

Requested Action:



Impact 420 sq ft to replace an existing 12 ft x 26 ft 6 in boat ramp with a 12 ft x 28 ft boat ramp on an average of 156 ft of frontage on Bow Lake, in Strafford.

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Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**APPROVE PERMIT:**

Impact 420 sq ft to replace an existing 12 ft x 26 ft 6 in boat ramp with a 12 ft x 28 ft boat ramp on an average of 156 ft of frontage on Bow Lake, in Strafford.

**With Conditions:**

1. All work shall be in accordance with plans revision dated April 11, 2011, as received by the NH Department of Environmental Services (DES) on April 15, 2011.
2. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
3. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects that do not meet any criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.

**2011-00617 CARROLL, PAUL**  
**ALTON Lake Winnepesaukee**

**Requested Action:**

Repair an existing 98 linear feet of retaining wall "in kind" with no change in location, configuration, or height on approximately 100 ft of frontage on Lake Winnepesaukee, in Alton.

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Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**APPROVE PERMIT:**

Repair an existing 98 linear feet of retaining wall "in kind" with no change in location, configuration, or height on approximately 100 ft of frontage on Lake Winnepesaukee, in Alton.

**With Conditions:**

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on April 12, 2011.
2. Repairs shall maintain the size, location, and configuration of pre-existing structures.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of existing retaining wall that require work in the water but results in no change in wall dimensions.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

## MINIMUM IMPACT PROJECT

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**2008-00832                      PRATT, BONNIE/DANIEL**  
**RICHMOND   Unnamed Wetland**

Requested Action:

Retain  $\pm$  1,540 sq. ft. of intermittent stream impact for two (2) culvert replacements for access to a single lot of a 3-lot subdivision and to ongoing logging.

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APPROVE AFTER THE FACT:

Retain  $\pm$  1,540 sq. ft. of intermittent stream impact for two (2) culvert replacements for access to a single lot of a 3-lot subdivision and to ongoing logging.

With Conditions:

1. The approval is contingent on compliance with the 2008-00832 Restoration Plan Approval dated April 26, 2011.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04, (x), replacement of a nondocking structure; and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet.

2. A complaint for activities on this parcel was received by the DES Wetlands Bureau on May 22, 2008.

3. DES enforcement staff conducted a field inspection of the site on July 28, 2009.

4. The August 03, 2009, Letter of Deficiency noted instructed the applicant to, by October 31, 2009, submit an After-the-Fact Alteration of Terrain application.

5. The Standard Dredge and Fill Application was received on May 11, 2010.

6. The application was revised to eliminate and restore two (2) of the four (4) culverts.

7. Approval from the DES Alteration of Terrain Bureau was issued on May 25, 2010, AOT-0125.

The project design was completed and monies for this project were appropriated before adoption of the DES stream rules.

8. This approval is contingent on compliance with the 2008-00832 Restoration Plan Approval issued April 26, 2011.

9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00121                      SHEEPSHEAD BAY LLC**  
**WOLFEBORO   Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill 217 sq. ft. of wetlands to construct a permanent pedestrian bridge to single family home and temporarily impact 592 sq. ft. of wetlands for a temporary construction access for reconstruction/new home. Work in wetlands consists of installation 8 pilings for the permanent bridge and temporary impacts from the placement of geotextile material and concrete blocks for the temporary construction access.

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**Conservation Commission/Staff Comments:**

1. The Wolfeboro Conservation Commission commented that they had no objection to the proposal, as submitted.

**APPROVE PERMIT:**

Dredge and fill approximately 3 sq. ft. of wetlands to construct a permanent pedestrian bridge (approximately 217 sq. ft. area coverage) and temporarily fill 592 sq. ft. of wetlands for a temporary construction access bridge for the reconstruction and access to the new home and 78 sq. ft. of temporary wetland impacts for removal of the existing foot bridge. Work in wetlands consists of installation 8 pilings for the permanent pedestrian bridge and temporary impacts associated with the placement of geotextile material and concrete blocks for the temporary construction access and removal of the existing footbridge.

**With Conditions:**

1. All work shall be in accordance with plans and narratives by White Mountain Survey Co., Inc., plan revision date of March 30, 2011 and narratives, as received by the NH Department of Environmental Services (DES) on April 1, 2011 and narrative received by DES on April 25, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Temporary wetland impacts shall be restored immediately after removal of the existing foot bridge and immediately after removal of the temporary construction access.
13. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.

15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations, provided:
  - (1) The total jurisdictional impact shall not exceed 3,000 square feet;
  - (2) The roadway width at the crossing shall not exceed 20 feet;
  - (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by making the sideslopes steeper and constructing walls, and not exceed 50 feet;
  - (4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
  - (5) Such projects shall be limited to crossings that:
    - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
    - b. Are not located in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);
    - c. Do not meet the criteria of Env-Wt 303.02(k);
    - d. If crossing streams, qualify as minimum impact under Env-Wt 903.01(e); and
    - e. If crossing a swamps or wet meadows, cross those that have no standing water for 10 months of the year;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A previous wetlands impact permits (expired Wetlands Bureau File #2004-00682 and #2004-03116) were issued for a similar projects on the property.
6. The applicant's agent has indicated that due to more stringent state and local regulation since 2004 the project has been redesigned resulting in the need for a longer bridge span which requires impacts for piling supports.
7. The proposed pedestrian bridge has minimal permanent impacts and is designed to span the stream channel and banks.
8. The temporary construction access is designed to span the stream and provide spacing in the temporary supports for possible storm flows in the adjacent wetlands.
9. The applicant has accounted for the direct dredge and fill impacts associated for the project and has depicted the square feet of total area covered by the temporary and permanent crossings.
10. On February 4, 2011, DES Wetlands Bureau received comments/concerns from abutters to the project (via e-mail) regarding the project and pending Standard Dredge and Fill Application, see file and e-mail dated February 4, 2011.
11. DES Wetlands Bureau corresponded with abutters and provided them with requested details via e-mail and phone on February 7, 8, 9, 10 and 11, 2011, see file and noted correspondence.
12. DES Wetlands Bureau has not received any additional comments from the abutters related to the proposed wetland impacts and associated Standard Dredge and Fill Application.
13. The applicant has applied for a Shoreland Permit File #2011-00115.

**2011-00319**                      **KRAMER, JILL/STEPHEN**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Repair in kind, an existing 18 ft 4 in x 24 ft 4 in boathouse supported by two 4 ft x 6 ft cribs and two 4 ft x 8 ft cribs, with a 2 ft 6 in x 24 ft 4 in dock on the westerly side and a 47 ft 6 in x 8 ft 6 in dock on the easterly side, on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

No Con Com comments by March 02, 2011

APPROVE PERMIT:

Repair in kind, an existing 18 ft 4 in x 24 ft 4 in boathouse supported by two 4 ft x 6 ft cribs and two 4 ft x 8 ft cribs, with a 2 ft 6 in x 24 ft 4 in dock on the westerly side and a 47 ft 6 in x 8 ft 6 in dock on the easterly side, on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated April 27, 2011, as received by the NH Department of Environmental Services (DES) on April 27, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

FORESTRY NOTIFICATION

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**2011-00836 MORIN, ROBERT**  
**WEARE Unnamed Stream**

COMPLETE NOTIFICATION:  
Weare Tax Map 111, Lot# 327.2

**2011-00876 KRAFT, GORDON**  
**WAKEFIELD Unnamed Stream**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 32, Lot# 1 & 2

**2011-00877                      KRAFT, GORDON**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 74, Lot# 45

**2011-00878                      JACKSON, TIMOTHY**  
**CHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Chester Tax Map 2, Lot# 33

**2011-00887                      MONADNOCK PAPER MILLS INC**  
**HANCOCK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R16, Lot# 9

**2011-00890                      FLATELY, JOHN**  
**SOMERSWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Somersworth Tax Map 39, Lot# 2

**OTHER BUSINESS**

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**2011-00105                      COTTON MILL SQUARE LLC**  
**NASHUA   Tributary To Merrimack River**

Requested Action:  
(Land Resources Management Program - Innovative Permitting Initiative project): Proposal to impact 109,052 sq. ft. of prime wetlands buffer (existing developed uplands) for the renovation of an existing 8 story mill building, site renovation, building demolition, bank restoration and a pedestrian river walk.

\*\*\*\*\*

WITHDRAW APPLICATION:  
(Land Resources Management Program - Innovative Permitting Initiative project): Withdraw proposal to impact 109,052 sq. ft. of prime wetlands buffer (existing developed uplands) for the renovation of an existing 8 story mill building, site renovation, building demolition, bank restoration and a pedestrian river walk.

With Findings:

1. On April 11, 2011, the department received a request from the applicant's agent to withdraw the pending wetlands impact application for work proposed in the 100 prime wetland buffer along the Nashua River.
2. On March 8, 2011 the City of Nashua Board of Alderman passed an ordinance removing the prime wetlands designation from

portions of the Nashua River that had previously received a Shoreland Exemption pursuant to RSA 483-B:12.

3. Due to the removal of the prime wetland designation the requested permit is no longer needed.
4. The agent has indicated that no other work is needed in the bank of the river.
5. Any proposed dredge and fill impacts within jurisdictional surface waters, banks of surface waters or wetlands will require a permit from the department.

## EXPEDITED MINIMUM

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**2010-03139                      BUCKSAR, SYLVIA**  
**BARTLETT   Unnamed Stream**

### Requested Action:

Request for reconsideration of Wetlands and Non-Site Specific Permit 2010-03139 approval issued on December 13, 2010.

\*\*\*\*\*

### DENY RECONSIDERATION:

Deny request for reconsideration of Wetlands and Non-Site Specific Permit 2010-03139 approval to temporarily impact 916 square feet of an intermittent stream and forested wetland for the installation of an underground sewage discharge line.

### With Findings:

#### A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The appellant alleges that the applicant has misrepresented the stream classification. The appellant alleges that the stream is not intermittent and has not been dry during the past three years.
2. The appellant alleges that the septic system ground water will flow toward the stream, which is less than 80 feet away, making it unlikely that the effluent will be properly cleaned before reaching the stream.
3. The appellant alleges that the project is within a 100-year floodplain of the adjacent stream and that the house will likely flood as the stream flows very high and rapid during the spring thaw and heavy rains.

#### B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration that a permit approval was erroneous, the result is that the permit originally requested would be denied.

#### C. Findings of Fact and Rulings of Law

1. Env-Wt 302.04 (b)(1)-(5) establishes the requirements for application evaluations for minimum impact projects.
2. Env-Wt 302.04(d)(1)-(3) establishes the criteria under which DES shall not grant a permit.
3. Env-Wt 101.51 "Intermittent stream" means a watercourse that is fed by groundwater but is not in the groundwater table throughout the year, with runoff from rainfall and snowmelt as a supplemental source of water for flow, such that it typically does not have flowing water during dry portions of the year.
4. Env-Wt 101.70 "Perennial stream" means a watercourse that is in the groundwater table for most of the year and so has

groundwater as its primary source of water for stream flow, with runoff from rainfall and snowmelt as a supplemental source of water, so that it contains flowing water year-round during a typical year.

5. Env-Wt 101.01 "100-year floodplain" means those areas identified as a 100-year floodplain on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.
6. The United States Geological Survey ("USGS") topographical maps depict an intermittent stream as a dashed blue line.
7. The USGS topographical maps depict a perennial stream as a solid blue line.
8. Review of the potential impacts of the design of proposed septic systems is conducted pursuant to Administrative Rules Env-Wq 1000, by the DES Subsurface Systems Bureau.
9. On 11/17/2010 DES received a wetlands application to dredge and fill 916 square feet as temporary impact to cross a forested wetland and intermittent stream to install a sewage system line associated with construction of a single family residence.
10. On 12/13/2010 DES issued permit 2010-3139 to temporarily impact 916 square feet of intermittent stream and forested wetland for the installation of an underground sewage discharge line, with the finding that the project was classified as minimum impact, that proposal demonstrated need and least impacting alternative, and was further conditioned (per Permit Condition #3) to be executed during a period of non-flow.
11. On 1/12/2011 DES received a request for reconsideration from the appellants, Kristen and Shawn Charles.
12. On 1/27/2011 DES sent a request to the applicant for a technical response to the issues presented by the appellant in the reconsideration request.
13. On 2/4/11 DES received a response dated 2/3/2011 from the applicant's agent, a NH Certified Wetland Scientist ("CWS"), which discussed the nature of the stream and included rainfall data contradicting the appellant's representation that the stream ran during a dry time of the year.
14. The 2/3/2011 response materials also included a copy of NH DES Subsurface Systems Design approval # CA2011103455, issued for applicant's septic system on 1/14/2011.
15. With regard to the appellant's assertion that the stream is misrepresented as intermittent, and is perennial, DES finds the following:
  - a. the stream does not show up on the USGS map included in the application materials as either intermittent or perennial;
  - b. the stream as represented in the application materials, and in subsequent response by the applicant's CWS, meets the definition of intermittent stream pursuant to Env-Wt 101.51; and
  - c. the appellant provides no supporting evidence to contradict the evidence of the record.
16. With regard to the appellant's assertion that there may be impacts to the stream from septic flow, DES finds that review of potential surface or groundwater impacts resulting from subsurface system discharge are considered during the design review of the septic plan by the DES Subsurface Systems Bureau, and that the design for the applicant's property was approved by DES on 1/14/2011.
17. DES further finds that the appellant has provided no evidence to support that the approved septic design will result in septic flow toward the stream.
18. With regard to the appellant's assertion that the project is within a 100-year floodplain and that the applicant's house will flood, DES finds no evidence provided by the appellant to indicate that a 100-year floodplain, as defined by Env-Wt 101.01, exists.
19. DES further finds that the actual permitted activity, temporary disturbance to wetlands jurisdiction during a period of non-flow, will have no impact. Other issues, such as the location of a house to be built in the upland, is beyond the scope of wetlands jurisdiction.
20. DES finds that the applicant has adequately met the criteria specified in Env-Wt 302.04(b) and (d) for issuance of a minimum impact permit.
21. DES finds that the appellant has not met their burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

1. Based on the foregoing, the Department affirms the decision to approve the subject application, file number 2010-03139.

**2010-03415                      SHARMA, DEEPAK**  
**RYE   Tbz**

Requested Action:

Amended permit to reduce total impervious coverage on the lot.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE AMENDMENT:

Impact 2,835 sq. ft. with the previously developed 100-foot tidal buffer zone to reduce the impervious area by 10% on the lot by removing the asphalt driveway and replacing the asphalt with pervious pea stone and pervious brick paver driveway apron, pervious brick paver area with gas grill and fire pit and the construction of a gazebo for a single family residential dwelling on approximately 0.42 acres with approximately 113.12 feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with the plans received by the NH Department of Environmental Services (DES) on April 25, 2011.
2. DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. No more than 41% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done for lot development.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES personnel inspected the property on April 21, 2011. Inspection of the property found that the work approved previously had been completed and new, unapproved work was on-going.
6. DES issued a 'Notice of Findings' (the "NoF") on April 21, 2011 to the owner. The NoF identified many deficiencies on the property and requested compliance by May 13, 2011.
7. DES received revised plans and the shoreland application worksheet on April 25, 2011.

**2011-00612                      BLAKE, ALICE/DANIEL**  
**OSSIPEE   Unnamed Wetland**

Requested Action:

Fill 1,052 sq. ft. of wetland and installation of an 18 inch x 30 foot ADS culvert to construct a driveway to serve a single-family residential lot. Temporarily impact 670 sq. ft. of wetland for construction access.

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**APPROVE PERMIT:**

Fill 1,052 sq. ft. of wetland and installation of an 18 inch x 30 foot ADS culvert to construct a driveway to serve a single-family residential lot. Temporarily impact 670 sq. ft. of wetland for construction access.

**With Conditions:**

1. All work shall be in accordance with plans by Land Technical Services Corporation dated March 2011, as received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. All temporary wetland impact areas shall be restored to original condition upon completion of work.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. Avoidance and minimization of impacts have been demonstrated by the applicant, per Env-Wt 302.03, by avoiding the larger higher functional wetlands on the property.
3. In accordance with Env-Wt 304.04, the applicant has obtained written agreement for work within 20 ft. to the abutters property line.

**2011-00641                      GREENWOOD-YOUNG, CINDY**  
**BOW   Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill 395 sq. ft. of forested wetlands for access to a proposed single family dwelling. Work in wetlands consists of installation of a 18 in. x 20 ft. CPP culvert, associated headwalls, filling, grading and outlet protection.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

1. The Conservation Commission signed the expedited application waiving their right to intervene.

**APPROVE PERMIT:**

Dredge and fill 395 sq. ft. of forested wetlands for access to a proposed single family dwelling. Work in wetlands consists of installation of a 18 in. x 20 ft. CPP culvert, associated headwalls, filling, grading and outlet protection.

**With Conditions:**

1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants, LLC dated February 14, 2011, as received by the NH Department of Environmental Services (DES) on April 4, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00660                      SAUNDERS, ROBERT/KIMBERLY**  
**HOPKINTON   Unnamed Stream**

Requested Action:

Proposal to dredge and fill 1,600 sq. ft. of wet-meadow wetlands to construct a driveway to a proposed home site. Work in wetlands consists of the installation of two 24 in. x 25 ft. HDPE culverts with associated headwalls, grading, filling and inlet and outlet protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the expedited application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 1,600 sq. ft. of wet-meadow wetlands to construct a driveway to a proposed home site. Work in wetlands consists of the installation of two 24 in. x 25 ft. HDPE culverts with associated headwalls, grading, filling and inlet and outlet protection.

With Conditions:

1. All work shall be in accordance with plans titled "Minimum Impact Expedited Application", as received by the NH Department of Environmental Services (DES) on March 31, 2011.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00662                      RUFFLE, CATHERINE**  
**KEENE   Unnamed Wetland**

Requested Action:

Dredge and fill 1,380 square feet of intermittent stream and associated palustrine forested wetlands to install a 36-inch x 20-foot culvert for driveway access to a single family residential lot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 1,380 square feet of intermittent stream and associated palustrine forested wetlands to install a 36-inch x 20-foot culvert for driveway access to a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated April 27, 2010, as received by the Department on March 31, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during dry conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.

8. If culverts are proposed to be set at grade, culverts shall be laid at original grade.
9. If culverts are proposed to be embedded, native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert.
10. The channel at the culvert inlet and outlet and within the culvert must maintain the natural and a consistent streambed elevation and not interrupt or impede stream flow.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Post-construction photographs documenting the status of the completed construction, including photographs that clearly illustrate the culvert inlet and outlet shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), access to an existing single family residential lot.
2. Pursuant to Env-Wt 901.03(e), projects conducted in accordance with Env-Wt 303.04(z), are exempt from Env-Wt 903 and 904.
3. No comments of concern were submitted to the file.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00708                      ROBERTS COVE INC**  
**ALTON   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 671 sq. ft. of wetlands to construct a driveway to one lot of a proposed three lot residential subdivision.

\*\*\*\*\*

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the expedited application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 671 sq. ft. of wetlands to construct a driveway to one lot of a proposed three lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering plan sheet 2, 3, 4 and 5 of 5 dated December 20, 2010 and "Proposed Driveway Lot #2" plan date December 22, 2010, as received by the NH Department of Environmental Services (DES) on April 7, 2011.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00765                      ARIEL TAYLOR TRUST**  
**AMHERST   Tributary To Joe English Brook**

Requested Action:

Dredge & fill 80 sq. ft. within the embankments and flow channel of an intermittent stream to replace a failing stone box culvert under an existing driveway with a 20 ft. length of 36 in. dia. ADS culvert, embedded 6 inches and filled with crushed stone. Existing granite slabs will be used to reconstruct headwalls.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Amherst Conservation Commission has no objections to this project and signed the MIE application

APPROVE PERMIT:

Dredge & fill 80 sq. ft. within the embankments and flow channel of an intermittent stream to replace a failing stone box culvert under an existing driveway with a 20 ft. length of 36 in. dia. ADS culvert, embedded 6 inches and filled with crushed stone. Existing granite slabs will be used to reconstruct headwalls.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 15, 2011, as received by the NH Department of Environmental Services (DES) on April 13, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**GOLD DREDGE**

\*\*\*\*\*

**2011-00851                      SOMERS, JAMES**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2011-00852                      FRANKE, DEAN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
CC Bath ConCom

**2011-00855                      LUND, GARY**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
CC Bath ConCom

**2011-00885                      HETRICK, DAVID**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**TRAILS NOTIFICATION**

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**2011-00832                      RIEL, MARCEL & GLORIA**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 424, Lot# 68

**LAKES-SEASONAL DOCK NOTIF**

\*\*\*\*\*

**2011-00871                      VOSS, JON/PATRICIA**  
**BARNSTEAD   Huntress Pond**

COMPLETE NOTIFICATION:  
Barnstead Tax Map 24, Lot# 20 Huntress Pond

**2011-00872                      BLESSING, MONICA**  
**WHITEFIELD   Morrro Lake**

COMPLETE NOTIFICATION:  
Whitefield Tax Map 219, Lot# 13 Mirror Lake

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2011-00867                      AMHERST, TOWN OF**  
**AMHERST   Unnamed Wetland**

**2011-00868                      AMHERST, TOWN OF**  
**AMHERST   Unnamed Wetland**

**2011-00869                      AMHERST, TOWN OF**  
**AMHERST   Unnamed Wetland**

**2011-00870                      NH DEPT OF TRANSPORTATION**  
**FITZWILLIAM   Unnamed Wetland**

**2011-00907                      NH DEPT OF TRANSPORTATION**  
**ROCHESTER   Unnamed Wetland**



**PERMIT BY NOTIFICATION**

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**2011-00724                      MCDONOUGH, MICHAEL**  
**DOVER   Little Bay**

Requested Action:

Replace existing failed wooden retaining wall with stone in same footprint, impacting 300 square feet (60 linear feet) of tidal buffer zone/shoreline on Little Bay.

\*\*\*\*\*

PBN IS COMPLETE:

Replace existing failed wooden retaining wall with stone in same footprint, impacting 300 square feet (60 linear feet) of tidal buffer zone/shoreline on Little Bay.

**2011-00744                      ROESCH, CHRISTIAN**  
**SANBORNTON   Hermit Lake**

Requested Action:

Install a seasonal dock and anchoring pad.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Install a seasonal dock and anchoring pad.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock and anchoring pad.

**2011-00780                      DOVER, CITY OF**  
**DOVER   Willand Pond**

Requested Action:

Impact 120 square feet of pond bottom to reset two heaved concrete logs in existing boat ramp.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Dover Conservation Commission signed PBN.

APPROVE PERMIT:

Impact 120 square feet of pond bottom to reset two heaved concrete logs in existing boat ramp.

**CSPA PERMIT**

\*\*\*\*\*

**2011-00494 GRAY, GARY**  
**KEENE Connecticut River Bank**

**Requested Action:**

Impact 1,200 square feet for the purpose re-developing an existing commercial lot and constructing 543 sq ft of pedestrian side walk and associated stormwater infiltration basin.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1,200 square feet for the purpose re-developing an existing commercial lot and constructing 543 sq ft of pedestrian side walk and associated stormwater infiltration basin.

**With Conditions:**

1. All work shall be in accordance with plans by Weller & Michal Architects Inc dated April 18, 2011 and February 17, 2011 as received by the NH Department of Environmental Services (DES) on April 21, 2011 and March 11, 2011.
2. No more than 23.82% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The proposed stormwater treatment measures shall be designed, installed, and maintained to effectively intercept and infiltrate stormwater.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**With Findings:**

1. On March 18, 2011, DES received written comments submitted by the Ashuelot River Local Advisory Committee (ARLAC) stating that the project proposes to connect to an existing catch basin system that does "not allow for treatment before entering the city drainage system that ultimately flows into the Ashuelot River." The ARLAC requested modifications to the proposal.
2. On March 31, 2011, DES issued a letter requesting additional information. Specifically, the letter requested that the proposal be modified to incorporate pervious technology or include a stormwater retention and treatment system for the proposed post-construction impervious surface within the protected shoreland buffer.
3. On April 21, 2011, DES received a revised plan prepared by Weller & Michal Architects Inc. The revised plans included a proposed stormwater infiltration basin designed to treat the additional post-construction impervious surface within the protected shoreland buffer.

**2011-00547 WESTON CAPITAL PARTNERS LLC**  
**RYE BEACH Atlantic Ocean**

**Requested Action:**

Impact 3,218 sq ft for the purpose of installing a new pool and patio.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,218 sq ft for the purpose of installing a new pool and patio.

With Conditions:

1. All work shall be in accordance with revised plans and materials submitted by GZA GeoEnvironmental, Inc. and received by the Department of Environmental Services ("DES") on March 18, 2011 and April 21, 2011.
2. No more than 44.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

**2011-00669                      MCSHARRY, JAY**  
**PORTSMOUTH   Little Harbor, Back Channel**

Requested Action:

Impact 758 sq ft of protected shoreland buffer for the purpose of expanding an existing driveway, constructing a new deck, re-grading areas located on the south and eastern sides of the primary structure, completing vegetation enhancements within the tidal buffer, and implementing a stormwater management plan.

\*\*\*\*\*

APPROVE PERMIT:

Impact 758 sq ft of protected shoreland buffer for the purpose of expanding an existing driveway, constructing a new deck, re-grading areas located on the south and eastern sides of the primary structure, completing vegetation enhancements within the tidal buffer, and implementing a stormwater management plan.

With Conditions:

1. All work shall be in accordance with plans by Terrence Parker, Terrafirma Landscape Architecture received by the NH Department of Environmental Services (DES) on April 1, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. No more than 23.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The plantings in the waterfront and tidal buffer shall be completed within one year of the initiation of construction.
5. The vegetation planting area shall be monitored and managed for a period of two years following construction, and if necessary, replanted, to ensure the eradication of invasive species and 100 % survival rate for native plantings.
6. The proposed stormwater treatment measures shall be designed, installed, and maintained to effectively intercept and infiltrate stormwater.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant has proposed to install stormwater controls consisting of downspouts along the existing roofline to an infiltration trench (6" depth x24" width x 175' length with pea stone and filter fabric at foundation).

2. The applicant has proposed the removal of invasive species and native vegetation enhancements within the waterfront and tidal buffer on the Property.

3. The New Hampshire Natural Heritage Bureau (NHB) issued a letter on March 25, 2011 indicating that the NHB does not expect impacts to the nearby marsh elder (*Iva frutescens*) as a result of the proposed project.

**2011-00719                      GUYER, DALE/SHANNON**  
**WASHINGTON   Highland Lake**

Requested Action:

Impact 4,480 sq ft in order to construct a garage having a footprint measuring 48 ft x 40 ft in total.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,480 sq ft in order to construct a garage having a footprint measuring 48 ft x 40 ft in total.

With Conditions:

1. All work shall be in accordance with plans by Dale & Shannon Guyer dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 14, 2011.

2. No more than 12% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 15,127 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00758                      BAILEY, GERIANNE/MARK**  
**STODDARD   Highland Lake**

Requested Action:

Impact 10,771 sq ft in order to construct additions to primary structure, a garage, and modify driveway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 10,771 sq ft in order to construct additions to primary structure, a garage, and modify driveway.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated November 23, 2010 and received by the NH Department of Environmental Services (DES) on April 13, 2011.
2. No more than 17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 12,475 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00771                      GONSALVES, RICHARD**  
**ALEXANDRIA   Newfound Lake**

Requested Action:

Impact 221 sq ft in order to remove existing deck and build a new deck and screened porch.

\*\*\*\*\*

APPROVE PERMIT:

Impact 221 sq ft in order to remove existing deck and build a new deck and screened porch.

With Conditions:

1. All work shall be in accordance with plans by Richard Gonsalves dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 14, 2011.
2. No more than 12.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,462 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00776                      MILLS, SUSAN**  
**SUNAPEE   Sunapee Lake**

Requested Action:

Impact 250 sq ft in order to upgrade existing piping to dock fuel dispenser and add a dispenser sump.

\*\*\*\*\*

APPROVE PERMIT:

Impact 250 sq ft in order to upgrade existing piping to dock fuel dispenser and add a dispenser sump.

With Conditions:

1. All work shall be in accordance with plans by Wilcox & Barton Inc. dated April 5, 2011 and received by the NH Department of Environmental Services (DES) on April 14, 2011.
2. No more than 40% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-00790                      LANNAN, ALFRED**  
**DERRY    Big Island Pond**

Requested Action:

Impact 2,165 sq ft in order to demolish a seasonal cabin and construct a septic system in its place.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,165 sq ft in order to demolish a seasonal cabin and construct a septic system in its place.

With Conditions:

1. All work shall be in accordance with plans by Long Beach Development Associates, LLC dated February 4, 2011 and received by the NH Department of Environmental Services (DES) on April 15, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 155 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00794                      LECLERC, PAUL**  
**ERROL    Akers Pond**

Requested Action:

Impact 3,456 sq ft in order to remove an existing non-conforming primary structure, and construct a new dwelling, retaining wall,

and septic system.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,456 sq ft in order to remove an existing non-conforming primary structure, and construct a new dwelling, retaining wall, and septic system.

**With Conditions:**

1. All work shall be in accordance with plans by York Land Services, LLC dated March 8, 2011 and received by the NH Department of Environmental Services (DES) on April 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 29.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. All portions of the pre-existing primary structure located within the waterfront buffer shall be completely removed prior to the construction of any new structure.

**2011-00799                      SUKHORUKOV, ANDREI**  
**NORTH HAMPTON   Mill Pond**

**Requested Action:**

Impact 12,000 sq ft in order to construct a single family dwelling, driveway and septic system.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 12,000 sq ft in order to construct a single family dwelling, driveway and septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Cornerstone Survey Associates dated February 21, 2011 and received by the NH Department of Environmental Services (DES) on April 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 3.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 22,820 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00815                      MX2 LLC**  
**THORNTON   Mad River**

Requested Action:

Impact 9,705 sq ft in order construct a house and septic system.

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APPROVE PERMIT:

Impact 9,705 sq ft in order construct a house and septic system.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises, LLC dated March 26, 2011 and received by the NH Department of Environmental Services (DES) on April 19, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 4,605 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-00827                      GRENNELL, MATTHEW/TANIA**  
**PELHAM   Beaver Brook**

Requested Action:

Impact 24,990 sq ft in order to construct an addition to primary structure, a garage, and septic system.

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APPROVE PERMIT:

Impact 24,990 sq ft in order to construct an addition to primary structure, a garage, and septic system.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Associates, Inc. dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 20, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 14.33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.



## CSPA PERMIT W/WAIVER

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**2010-02719                      ROJAS, MAUREEN**  
**DERRY   Big Island Pond**

### Requested Action:

Impact 2,308 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

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### APPROVE PERMIT:

Impact 2,308 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

### With Conditions:

1. All work shall be in accordance with revised plans submitted by Vern Dingman and received by the Department of Environmental Services ("DES") on April 21, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 19.5% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system
5. The proposed stormwater treatment measures consisting of a drywell shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. No impacts shall occur to natural ground covers within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

### With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Big Island Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to increase the setback from the reference line.
4. The applicant has proposed to install stormwater controls consisting of a drywell.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
6. The applicant has proposed to install stormwater controls, install a new septic system, and increase the primary structure's distance from the reference line, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2011-00115                      SHEEPSHEAD BAY LLC**  
**WOLFEBORO   Lake Winnepesaukee**

**Requested Action:**

Impact 12,184 sq ft for the purpose of expanding a nonconforming primary structure, constructing new accessory structures, and installing a new septic system.

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**APPROVE PERMIT:**

Impact 12,184 sq ft for the purpose of expanding a nonconforming primary structure, constructing new accessory structures, and installing a new septic system.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by White Mountain Survey Company, Inc last revised March 28, 2011 and received by the Department of Environmental Services ("DES") on April 6, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.9% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
7. No impacts shall occur to natural ground covers within the waterfront buffer beyond the area delineated as "limit of proposed impact".
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 5,812 sq ft of the unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans last revised on March 28, 2011, must remain in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

- contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
  15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
  16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
  17. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip-edges of the proposed primary structure.
4. The applicant has proposed to install additional stormwater controls consisting of an infiltration trench that will be capable of intercepting and infiltrating stormwater from the proposed driveway.
5. The applicant has proposed to install a new NH DES Subsurface Systems Bureau approved wastewater treatment system.
6. The applicant has proposed to install sound stormwater controls and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.
7. In accordance with RSA 483-B:9, V, (g), (1), no more than 30% of the area of a lot located within the protected shoreland shall be composed of impervious surfaces.
8. The project as proposed will result in a post-construction impervious area equaling approximately 11.9% of the area of the lot
9. The project as approved locates the driveway outside of the waterfront buffer allowing it to meet the accessory structure size limitation established within Env-Wq 1405.03, (c).
10. In accordance with RSA 483-B:11, I, the project, as proposed, does not extend the footprint of the primary structure closer to public waters.
11. The project proposes to disturb natural ground cover within the waterfront buffer for the purpose of constructing a single, permanent, 6 foot wide walking pathway to the water which is permissible under RSA 483-B:9, (V), (a), (2), (C), and RSA 483-B:9, V(a), (2), (D), (viii).
12. In accordance with Env-Wq 1405.03, (e), a single walking path for water access, up to 6 feet in width is permissible. Pursuant to Env-Wq 1405.03, (c), (1), the area of the walking path is not counted when calculating the area of accessory structures under accessory structure size limitations.
13. The project proposes a single, 254 sq ft accessory structure that meets the accessory structure size limitation established within Env-Wq 1405.03, (c), (1), and the accessory structure setback limitation established within Env-Wq 1404.04.
14. The revised plans properly identify additional areas of the natural woodland buffer that currently exist in an "unaltered state" as defined within RSA 483-B:4, XXIV-b. The proposed impacts to the natural woodland buffer meet the requirements of RSA 483-B:9, V (b), (2), (A), (ii).
15. The revised project proposal addresses all areas of concern within the Department's More Information Request letter dated February 25, 2011.

UTILITY NOTIFICATION

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2011-00884

NEW ENGLAND POWER COMPANY, DBA NATIONAL GRID

BEDFORD Unnamed Wetland

